

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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**IN RE: AUTOMOTIVE PARTS ANTITRUST  
LITIGATION**

MASTER FILE NO. 12-md-02311

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**THIS DOCUMENT RELATES TO:  
ALL ACTIONS**

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HON. MARIANNE O. BATTANI

**AGENDA FOR THE FEBRUARY 12, 2014 STATUS CONFERENCE  
AND HEARING ON PENDING MOTIONS**

The Court intends to discuss the following list of agenda items at the status conference:

**I. PENDING CASES**

**Note: The status of service of process of all pending cases is summarized in the table attached as Exhibit 1.**

**1. WIRE HARNESS (2:12-cv-00100)**

**A. Pleadings**

- 1. Proposed Class Actions:** Defendants in all proposed class actions have answered the complaints.

**B. Discovery**

1. After the Status Conference, the Court will hear oral argument on the Proposed First Supplemental Discovery Plan.
2. Status of Written Discovery
  - a. Plaintiffs' Discovery Requests: On October 8, Defendants served their written responses and objections to: (1) Direct Purchaser Plaintiffs' requests for production; (2) Direct Purchaser Plaintiffs' Interrogatories; and (3) End-Payor Plaintiffs' requests for production. Direct Purchaser, Automobile Dealer, and End-Payor Plaintiffs sent letters to some Defendants on December 20, 2013, and to other Defendants on January 6, 2014, in order to commence the meet and confer process, which is ongoing.

On December 9, 2013, Fujikura and Furukawa Defendants served their written responses and objections to: (1) Automobile Dealer Plaintiffs' First Set of Interrogatories.

On December 16, 2013, Yazaki Defendants served their written responses and objections to: Automobile Dealer Plaintiffs' First Set of Interrogatories.

On December 20, 2013, Sumitomo Defendants served their written responses and objections to: Automobile Dealer Plaintiffs' First Set of Interrogatories.

b. Defendants' Discovery Requests: Direct Purchaser Plaintiffs, Automobile Dealer Plaintiffs, and End-Payor Plaintiffs served their written responses and objections to Sumitomo's requests for production and interrogatories on November 4, 2013, as revised on November 7, 2013. Sumitomo commenced the meet and confer process with respect to Plaintiffs' responses and objections with a letter to said groups on November 10, 2013. The parties' meet and confer process is continuing.

3. Depositions

a. Under the Initial Discovery Plan (Doc. No. 201, Paragraph 7), "Depositions of fact witnesses may be scheduled at any time after the MTD Resolution Date," but the parties have agreed in the proposed First Supplemental Discovery Plan ("the Supplemental Plan") that depositions may commence anytime after the Court enters an order approving the final version of the Supplemental Plan. The timing and scope of these depositions is limited as set forth in the Stipulated Stay entered at the request of the Department of Justice on 12/23/2013 [Doc. No. 664] and subject to the provisions of the Supplemental Plan and any Deposition Protocol Order the Court may enter.

b. Endorsement by the Court of Stipulation between Yazaki Defendants and certain individuals and the Direct Purchaser, Automobile Dealer, and End-Payor Class Plaintiffs regarding depositions of incarcerated persons [Doc. No. 167-1, p. 12]. Ford requests that additional language be added prior to endorsement, clarifying that Ford shall be permitted to participate in the Yazaki depositions during the time period allowed in the Stipulation.

4. Ford-Related Matters

- a. After the Status Conference, the Court will hear oral argument on the Proposed Supplemental Discovery Provisions Concerning Coordination of the Ford Action with the Wire Harness MDL
- b. Proposed Order on Ford's participation in the Wire Harness MDL through its individually-filed action.

**2. INSTRUMENT PANEL CLUSTERS (2:12-cv-00200)**

A. Settlements

- a. Unopposed End-Payor Plaintiffs' Motion for Preliminary Approval of Proposed Settlement with Defendants Nippon Seiki Co., Ltd., N.S. International, Ltd., and New Sabina Industries, Inc. and Provisional Certification of a Settlement Class, filed December 23, 2013 [Doc. No. 69]

- b. Unopposed Automobile Dealer Plaintiffs' Motion for Preliminary Approval of Proposed Settlement with Defendants Nippon Seiki Co., Ltd., N.S. International, Ltd., and New Sabina Industries, Inc. and Provisional Certification of a Settlement Class, filed December 23, 2013 [Doc. No. 72]
- c. Status of Direct Purchaser Plaintiffs' Proposed Settlement With Defendants Nippon Seiki Co, Ltd., N.S. International, Ltd., and New Sabina Industries, Inc.

B. Update on Stipulations Between Plaintiffs and Defendants Regarding Depositions of Non-U.S. Citizens Expected To Be Released From U. S. Prisons. See Exhibit 2, Table of Release Dates of Incarcerated Defendants in Related Criminal Cases.

C. Florida Complaint (13-12061): Nippon Seiki Defendants moved to dismiss on October 21, 2013. Florida's response to the motion to dismiss is due March 24, 2014, and Nippon Seiki's reply is due May 8, 2014.

**3. FUEL SENDERS (2:12-cv-00300)**

- A. Defendants' Motions to Dismiss
  - 1. Oral Argument on Defendants' Motions to Dismiss Following the Status Conference.

**4. HEATER CONTROL PANELS (2:12-cv-00400)**

- A. Stipulation between Denso and Class Plaintiffs regarding depositions of incarcerated persons is being circulated for signatures.

**5. BEARINGS (2:12-cv-00500)**

- A. Defendants' Motions to Dismiss:
  - 1. Defendants' motions to dismiss were filed on December 2, 2013. Plaintiffs' responses to defendants' motions to dismiss were filed on February 3, 2014. Defendants' replies are due March 25, 2014.
  - 2. Oral argument is scheduled for June 4, 2014. Plaintiffs suggest that oral argument on these motions is not necessary.

**6. OCCUPANT SAFETY SYSTEMS (2:12-cv-00600)**

- A. Update on Stipulations Between Plaintiffs and Defendants Regarding Depositions of Non-U.S. Citizens Expected To Be Released From U. S. Prisons. See Exhibit 2, Table of Release Dates of Incarcerated Defendants in Related Criminal Cases.
- B. Motions to Dismiss:
  - 1. Defendants' motions to dismiss were filed on October 21, 2013. Plaintiffs' responses to defendants' motions to

dismiss were filed December 23, 2013. Defendants' replies were filed February 10, 2014.

2. Motions to dismiss are scheduled for oral argument on June 4, 2014.

C. Amendment of CAC by Direct Purchasers to reflect Takata guilty plea information and expanded Class Period.

## **7. ANTI-VIBRATION RUBBER PARTS (2:13-cv-00800)**

A. Update on Stipulations Between Plaintiffs and Defendants Regarding Depositions of Non-U.S. Citizens Expected To Be Released From U. S. Prisons. See Exhibit 2, Table of Release Dates of Incarcerated Defendants in Related Criminal Cases.

## **8. OTHER ACTIONS**

Note: The status of service for each of the actions in *In re Auto Parts Antitrust Litigation*, 12-md-02311 as well as the parties that filed suit are set forth in the chart attached as Exhibit 1. Since the last Status Conference, Direct Purchasers have filed actions in the Air Conditioning Systems (2:13-cv-02700) and Windshield Wiper Systems (2:13-cv-0900) matters.

- A. Alternators (2:13-cv-00700)
- B. Windshield Wipers (2:13-cv-00900)
- C. Radiators (2:13-cv-01000)
- D. Starters (2:13-cv-01100)
- E. Automotive Lamps (2:13-cv-01200)
- F. Switches (2:13-cv-01300)
- G. Ignition Coils (2:13-cv-01400)

- H. Motor Generators (2:13-cv-01500)
- I. Steering Angle Sensors (2:13-cv-01600)
- J. HID Ballasts (2:13-cv-01700)
- K. Inverters (2:13-cv-01800)
- L. Electric Powered Steering Assemblies (2:13-cv-01900)
- M. Air Flow Meters (2:13-cv-02000)
- N. Fan Motors (2:13-cv-02100)
- O. Fuel Injection Systems (2:13-cv-02200)
- P. Power Window Motors (2:13-cv-02300)
- Q. Automatic Transmission Fluid Warmers (2:13-cv-02400)
- R. Valve Timing Control Devices (2:13-cv-02500)
- S. Electric Throttle Bodies (2:13-cv-02600)
- T. Air Conditioning Systems (2:13-cv-02700)
- U. Windshield Washer Systems (2:13-cv-02800)

## **II. ADMINISTRATIVE MATTERS**

1. The Next Status Conference and Hearing on Motions to Dismiss in Occupant Safety Systems is Scheduled for June 4, 2014 at \_\_\_\_\_ a.m.
2. Scheduling of Subsequent Status Conferences.
3. Scheduling of Interim Conferences (as Needed).
4. Necessity of Appointment of Special Master for Discovery.
5. Schedule for Motions on Parts Where Service has been Completed.
6. Unpublished Case Law Used in Briefs.
7. Use of Stipulations to Preserve Issues for Appeal.

### **III. ORAL ARGUMENT ON PENDING MOTIONS**

1. Fujikura Ltd. and Fujikura Automotive America LLC's Motion to Dismiss Ford Motor Company Complaint [Wire Harness];
2. First Supplemental Discovery Plan [Wire Harness];
  - A. Issues raised in submission made by Defendants and Plaintiff Groups;
  - B. Ford objections to Proposed First Supplemental Discovery Plan;
  - C. Ford action Supplemental Discovery Provisions;
3. Motions of Gordon Ball to Serve As Interim Co-Lead Counsel, for End-User Plaintiffs, or Alternatively, to Serve as Lead Counsel for End-Users Residing in the Twenty-Two (22) Non-Indirect Purchaser States [Ignition Coils, Heater Control Panels, Air Conditioning Systems, Air Flow Meters, and Fuel Injection Systems];
4. Motions to Dismiss [Fuel Senders].

### **IV. OTHER MATTERS**

Any party interested in any part should appear.

s/ Marianne O. Battani  
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MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

Date: February 6, 2014.

CERTIFICATE OF SERVICE

I hereby certify that on the above date a copy of this Order was served upon all parties of record via the Court's ECF Filing System.

s/Bernadette M. Thebolt  
Case Manager